

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
SEP 1 2005

DF
Clerk

PM. _____
TIME A.M. _____

ORDER

-vs-

CR-98-500(FB)

Francisco Lake,
Defendant.

On August 15, 2005 the Court of Appeals issued a summary order remanding this case for further proceedings in conformity with *United States v. Booker*, 125 S. Ct. 738 (2005) and *United States v. Fagans*, 406 F. 3d. 138, 142 (2d Cir. 2005). Accordingly it is

HEREBY ORDERED the defendant shall notify the Court within 10 days of this order as to whether this matter should be scheduled for re-sentencing.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: Brooklyn, N.Y.
September 1, 2005

cc.: AUSA Jack Smith,
Robin Smith, Esq.